

**PROPOSED REGULATION OF THE ADMINISTRATOR OF THE
STATE PUBLIC WORKS DIVISION OF THE
DEPARTMENT OF ADMINISTRATION**

LCB File No. R098-15

April 19, 2016

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-8, NRS 331.070 and 331.110, as amended by section 2 of Assembly Bill No. 59, chapter 125, Statutes of Nevada 2015, at page 461, and NRS 341.110; §§9-12, NRS 331.110, as amended by section 2 of Assembly Bill No. 59, chapter 125, Statutes of Nevada 2015, at page 461, and NRS 341.110; §§13-14, NRS 331.070; §§15-16, NRS 331.070 and 341.110.

A REGULATION relating to State Government; establishing the procedure to be used by a state officer, department, agency, board or commission that desires to use the leasing services of the Administrator of the State Public Works Division of the Department of Administration; requiring the approval of the Buildings and Grounds Section of the Division before certain improvements to or modifications of leased office space are undertaken; requiring a special use permit from the Administrator for certain activities involving the use of state buildings, grounds or property supervised and controlled by the Administrator; establishing the procedure to be used by a state officer, department, agency, board or commission that desires office space in a state building; establishing certain requirements and restrictions relating to the use or occupancy of state buildings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law variously requires or authorizes the Administrator of the State Public Works Division of the Department of Administration to lease office space to house state officers, departments, agencies, boards or commissions whenever sufficient space cannot be provided within state buildings. Any such lease agreement must be negotiated, approved and overseen by the Administrator. (NRS 331.110, as amended by section 2 of Assembly Bill No. 59, chapter 125, Statutes of Nevada 2015, at page 461) **Sections 2-8** of this regulation adopt certain definitions applicable to the remaining provisions of this regulation. **Sections 9-11** of this regulation establish the process to be followed by a state officer, department, agency, board or

commission that uses the leasing services of the Administrator. **Section 12** of this regulation requires a person or entity for whom the Administrator has leased office space to obtain the approval of the Buildings and Grounds Section of the Division before undertaking certain improvements to or modifications of the leased space.

Existing law generally vests the Administrator with supervisory authority over state buildings, grounds and properties. (NRS 331.070) **Section 14** of this regulation requires any person or organization that desires to hold a special event or conduct a business venture in or upon any state building, grounds or property to apply for and obtain a special use permit from the Administrator. **Section 15** of this regulation makes the requirements of **sections 10 and 11**, otherwise applicable only to leases of space outside state buildings, applicable to any state officer, department, agency, board or commission that desires office space in any state building. **Section 16** of this regulation establishes certain requirements and restrictions relating to the use and occupancy of state buildings.

Section 1. Chapter 331 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this regulation.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Administrator” means the Administrator of the Division.*

Sec. 4. *“Agency” means any state officer, department, agency, board or commission described in subsection 1 of NRS 331.110, as amended by section 2 of Assembly Bill No. 59, chapter 125, Statutes of Nevada 2015, at page 461.*

Sec. 5. *“Buildings and Grounds Section” means the Buildings and Grounds Section of the Division.*

Sec. 6. *“Department” means the Department of Administration.*

Sec. 7. *“Division” means the State Public Works Division of the Department.*

Sec. 8. *“State building” means any building over which the Administrator has supervision and control pursuant to subsection 1 of NRS 331.070.*

Sec. 9. 1. *An agency that desires to use the services of the Administrator to lease and equip office rooms outside of a state building pursuant to NRS 331.110, as amended by section 2 of Assembly Bill No. 59, chapter 125, Statutes of Nevada 2015, at page 461, must submit to the Buildings and Grounds Section, in writing:*

(a) A request in the form prescribed by the Buildings and Grounds Section and including the information required by section 10 of this regulation;

(b) A spreadsheet in the form prescribed by the Buildings and Grounds Section and including the information required by section 11 of this regulation; and

(c) A narrative statement of:

(1) The requirements of the agency for additional space, replacement space, new space or the renewal of an existing lease;

(2) The desired location of the leased space; and

(3) The desired term of the lease and, if the desired term is longer than 5 years, an explanation of the need for the longer term.

2. The forms described in paragraphs (a) and (b) of subsection 1 are available on the Internet website of the Division at <http://publicworks.nv.gov/>.

3. The Buildings and Grounds Section will return to the agency any request or spreadsheet that is not completed in accordance with section 10 or 11, as applicable, with directions for correction of the deficiency.

4. The information required by this section must be submitted to the Buildings and Grounds Section:

(a) Not less than 90 days before the estimated beginning of the lease term if, as determined by the Buildings and Grounds Section, the leased space will not require any tenant improvements or only minimal improvements to make the space suitable for use by the agency.

(b) Not less than 270 days before the estimated beginning of the lease term if, as determined by the Buildings and Grounds Section, the leased space will require more substantial tenant improvements to make the space suitable for use by the agency.

Sec. 10. *A request submitted by an agency pursuant to section 9 of this regulation must include:*

1. The names, postal and electronic mail addresses and telephone numbers of the agency, the budget analyst of the agency and, if different, the person designated by the agency to serve as the point of contact with the Buildings and Grounds Section for purposes of the lease that is the subject of the request;

2. Information about the budget account of the agency, including the budget account number, the amount allocated by the budget for rent and the other costs described in subsection 3, the decision unit, appropriation unit and the percentage of the budget supported by appropriations from the State General Fund; and

3. A certification, signed by the executive head of the agency, attesting that:

(a) The approved budget of the agency includes all necessary expenditures for the space proposed to be leased, including the cost of moving, tenant improvements and other related costs; and

(b) The executive head is authorized to submit the request on behalf of the agency.

Sec. 11. *A spreadsheet submitted by an agency pursuant to section 9 of this regulation must include information relating to:*

- 1. The number of persons who will occupy the space proposed to be leased;*
- 2. The average number of persons attending any meeting to be held in a conference room in the leased space;*
- 3. The amount of space required in the leased space for photocopiers, facsimile machines, computer servers and other equipment;*
- 4. Any required reception area;*
- 5. The requirements of the agency for shared space and secured space; and*
- 6. Any other special requirements of the agency relating to the agency's performance of its functions.*

Sec. 12. *1. Before undertaking any improvement to or modification of the leased space, an agency for which the Administrator has leased office rooms outside of a state building pursuant to NRS 331.110, as amended by section 2 of Assembly Bill No. 59, chapter 125, Statutes of Nevada 2015, at page 461, must give written notice to and obtain the approval of the Buildings and Grounds Section.*

2. As used in this section, "improvement or modification" includes, without limitation, any architectural change, any modification of the electrical, life safety or heating, ventilation and air conditioning system of the leased space, any change relating to ingress into or egress from the leased space and any change relating to the access to or use of the leased space by persons with disabilities.

Sec. 13. *The provisions of sections 13 to 16, inclusive, of this regulation apply to any state building and any grounds or other property over which the Administrator has supervision and control pursuant to subsection 1 of NRS 331.070.*

Sec. 14. *Any person or organization, including, without limitation, any public official or governmental entity, that desires to hold a special event or conduct a business venture in or upon any state building or grounds or property described in section 13 of this regulation must first apply for and obtain from the Administrator a special use permit authorizing that use.*

Sec. 15. *An agency that desires office rooms in any state building must submit to the Buildings and Grounds Section the request and spreadsheet required by sections 10 and 11 of this regulation.*

Sec. 16. *In any state building:*

1. The thermostat for any temperature control system in any occupied area must be set at 72 degrees Fahrenheit for heating and 75 degrees Fahrenheit for cooling.

2. Except as otherwise provided in this subsection, electric space heaters and refrigerators are prohibited. If a central break room is provided, it may be equipped with a refrigerator.

Upon written request, the Buildings and Grounds Section may grant an exemption from the prohibitions of this subsection for any person having special health needs.

3. Except for dogs used by law enforcement officers in the performance of their duties and as otherwise provided by law for service animals and service animals in training, animals are prohibited.

4. As used in this section:

(a) “Service animal” has the meaning ascribed to it in NRS 426.097, as amended by section 1 of Assembly Bill No. 157, chapter 63, Statutes of Nevada 2015, at page 270.

(b) “Service animal in training” has the meaning ascribed to it in NRS 426.099, as amended by section 2 of Assembly Bill No. 157, chapter 63, Statutes of Nevada 2015, at page 270.